

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

KILLER JOE NEVADA, LLC,)	
)	
Plaintiff,)	
)	
v.)	No.: 3:13-CV-219-TAV-HBG
)	
DOES 1-11,)	
)	
Defendants.)	

ORDER OF DISMISSAL

Plaintiff filed this action on April 21, 2013, alleging that 11 unnamed defendants had infringed upon Plaintiff's copyright to a motion picture entitled "Killer Joe," using an interactive "peer-to-peer" file transfer technology known as "BitTorrent" [Doc. 1]. Plaintiff has failed to serve the Summons and Complaint on any defendant within 120 days of filing the Complaint as required by Rule 4(m) of the Federal Rules of Civil Procedure. On February 4, 2014, Plaintiff was ordered to show cause in writing why this action should not be dismissed pursuant to Rule 4(m) of the Federal Rules of Civil Procedure for insufficient service of process [Doc. 12]. No response to the Show Cause Order has been received by the Court.

Rule 4(m) of the Federal Rules of Civil Procedure states:

If a defendant is not served within 120 days after the complaint is filed, the court, on motion or on its own after notice to the plaintiff, must dismiss the action without prejudice against the defendant or order that service be made within a specified time.

Here, Plaintiff has failed to serve the summons and complaint on any defendant within 120 days of filing the complaint, and plaintiff has failed to respond to the Court's Show Cause Order, indicating to the undersigned that Plaintiff has no desire to prosecute this case.

Accordingly, the Court finds this action shall be **DISMISSED as to all defendants, without prejudice**, due to Plaintiff's failure to prosecute.

IT IS SO ORDERED.

s/ Thomas A. Varlan
CHIEF UNITED STATES DISTRICT JUDGE